

The Westfield Washington Township Board of Zoning Appeals met at 7:00 p.m. on Tuesday, January 16, 2007 at Westfield Town Hall. Members present included Patrick Miller, Brian Morales, David Mueller, Cindy Spoljaric, and Craig Wood. Also present were Tom Higgins and Town Attorney, Brian Zaiger.

Spoljaric stated that on page three of the November 20, 2006 minutes, 0610-VS-062, the word “high” needed to be added to the end of the condition.

Wood moved to approve the November 20, 2006 minutes as amended.

Miller seconded, and the motion passed by voice vote.

Miller announced the election of officers for the 2007 BZA would be postponed until the February meeting.

Miller reviewed the Public Hearing Rules and Procedures.

OLD BUSINESS

0609-VS-058: 3543 Carey Glen Court: Shenial Hairston: The Appellant is requesting a Variance of Standard from the Westfield Washington Ordinance WC 16.04.030 (D) (5) to reduce road frontage.

Higgins stated registered letters had been sent by the Town’s Code Enforcement Officer as well as Higgins himself, with no response.

After discussion it was decided to remove this item from the agenda based on referral to Enforcement.

NEW BUSINESS

0701-VS-001: 4203 West 176th Street: Vernis and Marilyn Bolen: The Appellants are requesting a Variance of Standard from the Westfield Washington Ordinance 16-04-100-2-c-1 to have an Accessory Building in the front yard.

0701-VS-002: 4203 West 176th Street: Vernis and Marilyn Bolen: The Appellants are requesting a Variance of Standard from the Westfield Washington Ordinance 16-04-030-g-1 to have a Duplex in a Single Family Five (SF-5) zoning district.

0701-VS-003: 4203 West 176th Street: Vernis and Marilyn Bolen: The Appellants are requesting a Variance of Standard from the Westfield Washington Ordinance 16-04-030-g-5 to reduce Road Frontage to sixteen feet six inches (16’6”) from forty (40’) feet.

0701-VU-001: 4203 West 176th Street: Vernis and Marilyn Bolen: The Appellants are requesting a Variance of Standard from the Westfield Washington Ordinance 16-04-030-G to allow storage of heavy equipment on site for his business.

Mr. Vernis Bolen presented the details of the various requests stating the property was purchased as a duplex, and when he applied for a building permit for an accessory building, it was discovered no building permit had been issued on the property. He further stated he had spent his own funds to repair the road.

Miller asked Bolen what pieces of heavy equipment already exist which may or may not be stored in the accessory structure.

Bolen responded a 550 dozer, a 650 dozer, a 455 high lift, an 855 high lift, a back hoe, and a skip steer.

A Public Hearing opened at 7:23 p.m.

No one spoke, and the Public Hearing closed at 7:24 p.m.

Miller confirmed the zoning as SF-5.

Bolen stated he only planned on being in the business for one more year.

Miller moved to approve the variances below, stating that when staff refers to “business” they are talking about an office.

Approve 0701-VS-001 with the following conditions:

1. There will be no residential accommodations within the structure: and
2. There will be no commercial activities occurring within the accessory building.

Approve 0701-VS-002 with the following conditions:

1. There will be no other residential accommodations on the site: and
2. There will be no commercial activities occurring within the structure.

Approve 0701-VS-003 with the following condition:

- There will be no other subdivision of the parcel without appropriate road frontage.

Approve 0701-VU-001 with the following condition:

- This Variance of Use will expire 18 months from the date of approval, January 16, 2007.

Mueller seconded all four motions; however, the motions were voted on individually by the Board.

0701-VS-001 – Motion passed unanimously.

Miller moved to adopt the staff's findings of fact.

Wood seconded, and the motion passed by voice vote.

0701-VS-002 – Motion passed unanimously.

Miller moved to adopt the staff's findings of fact.

Spoljaric seconded, and the motion passed by voice vote.

0701-VS-003 – Motion passed unanimously.

Miller moved to adopt the staff's findings of fact.

Mueller second, and the motion passed by voice vote.

0701-VU-001 – Motion passed 4-1 (Spoljaric).

Miller moved to adopt findings of fact in opposition to staff's findings since the petitioner met his burden.

Mueller seconded, and the motion passed by voice vote.

0701-VS-004: 193rd Street: Charles Stalanaker: The Appellants are requesting a Variance of Standard from the Westfield Washington Zoning Ordinance 16-04-100-2-b-iii to establish an accessory building before the residential structure is constructed at this location.

0701-VS-005: 193rd Street: Charles Stalanaker: The Appellants are requesting a Variance of Standard from the Westfield Washington Zoning Ordinance 16-04-100-2-b-vii to establish an accessory building that is not subordinate to the residential structure at this location.

Mr. Charles Stalanaker presented the details of the variance requests stating his desire to build a barn before the house due to the fact that he will be doing the work and needs the space to store materials and equipment.

Spoljaric asked what would eventually be stored in the building.

Stalanaker responded equipment, jeeps, etc.

Miller asked what the timeline was on starting the residence.

Stalanaker responded 18 months after completion of the barn.

Mueller asked if C & S Sandblasting and Painting was Stalanaker's company.

Stalanaker responded yes, but he has no plans for storage of business on the property.

A Public Hearing opened at 7:40 p.m.

Mr. Mike King spoke against the variance to build the barn before the house.

Mr. Bob Collett spoke against the variance to build the barn before the house.

The Public Hearing closed at 7:50 p.m.

Mr. Gary Smith explained the necessity for the barn before the house.

Stalanaker proposed to build the basement for the house within six months after the construction of the barn.

Stalanaker shared his construction plans.

Miller proposed the condition "a successful foundation inspection will occur no later than twelve months after completion of the accessory building."

Mr. Mike King stated he would have no objection to the proposed condition if it is enforceable.

Miller moved to deny 0701-VS-004 and 0701-VS-005.

Mueller seconded, and the motions were voted on individually by the Board.

Denial of 0701-VS-004 – Motion passed unanimously for denial.

Denial of 0701-VS-005 – motion did not pass 2-3 (Spoljaric, Morales, Wood).

Spoljaric moved to approve 0701-VS-005.

Morales seconded, and the motion passed 3-2 (Mueller, Miller).

Miller moved that the voting majority adopt findings of fact showing that the petitioner failed to meet his burden of proof on A, B, and C.

Wood seconded, and the motion passed by voice vote.

Spoljaric moved that the voting majority adopt the finding of fact on 0701-VS-005.

Wood seconded, and the motion passed by voice vote.

0701-VS-006: 607 West 186th Street, Ronald Moore: the Appellants are requesting a variance from the Accessory Building section of the Westfield Washington Ordinance WC 16.04.100 2 b vii. This would allow the Appellant to build an accessory building that is not subordinate in height, width, length, and bulk to the primary structure.

Wood stated for the record that his sister contacted him regarding this petition, and though he had no discussion with his sister regarding the variance request, he felt it better to recuse himself from this item.

Mr. Ronald Moore presented the details of the variance request stating the desire to build a pole barn.

A Public Hearing opened at 8:26 p.m.

Higgins read a letter from Ms. Mary Binks in opposition to the building of the pole barn.

Mr. Mike King spoke in support of the variance but expressed disagreement with the Binks' letter.

The Public Hearing closed at 8:30 p.m.

Miller moved to approve 0701-VS-006 with the condition that the petitioner agrees this will not be used for any type of commercial purpose.

Mueller seconded, and the motion passed 4-0.

Miller moved to adopt staff's finding of fact.

Mueller seconded, and the motion passed by voice vote.

Higgins announced Morales has finished his term on the BZA and thanked him for his dedication and hard work.

The meeting adjourned at 8:34 p.m.

Chairman

Secretary